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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,362	10/16/2001	Bernd Hessing	10191/1832	3262
26646	7590	12/29/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			ROBERTS, BRIAN S	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/857,362	HESSING ET AL.	
	Examiner	Art Unit	
	Brian Roberts	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 October 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 18-37 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 18-37 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Applicant's Amendment filed on 10/16/2006 is acknowledged.
- Claims 1-17 were previously cancelled.
- Claims 18, 25, and 31 have been amended.
- Claims 18-37 remain pending.

Claim Objections

1. Claims 36 and 37 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18-26, 28-32, and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Israni et al. (US 2002/0194170 A1)
 - In reference to claim 18, 36, 37

In Figures 1-3, Israni et al. teaches a system and method of digitally coding and transmitting traffic information conforming to the ALERT-C messages standard established in the RDS-TMC system [Paragraph 0004-0005, 0049] from a transmitter (20) via a unidirectional channel and decoding the digitally coded information at a receiver (11). [Paragraph 0035-0041]

Israni et al. does not teach the digitally coded traffic information utilizing a subset of the possible options of the TMC message format or the ALERT-C Syntax and coding, transmitting, and decoding the digitally coded traffic information utilizing the subset.

In the instant application, the invention omits options of the well-known TMC message format. The traffic information is accordingly coded, transmitted, and decoded without the options. It is settled that it would have been obvious to a person of ordinary skill in the art at the time of the invention to omit an element if its function is not desired.

In re Wilson, 153 USPQ 740 (CCPA 1967)

- In reference to claim 19, 20

In Figure 3, Israni et al. further teaches a method that includes:

- The specification governing a RDS-TMC system provides for data components 50(1)-50(6) (Information options) [Paragraph 0043]
- The data components 50(1)-50(6) provide for a traffic message 50 (information block) [Paragraph 0043]

- In reference to claim 21

In Figure 3, Israni et al. further teaches a method that includes:

- The traffic message 50 (Information block) provides for a data component 50(1)-50(6) (single-information option) [Paragraph 0043]
- The event component 50(1) includes data that describe a traffic problem 50(1)(1) (first extent-of-increase symbol) and data that describe a level of severity 50(1)(2) (second extent-of-increase symbol) [Paragraph 0044]

- In reference to claim 22

In Figure 3, Israni et al. further teaches a method that includes:

- The extent component 50(4) includes data that identify a length of traffic congestion queue with respect to the location 50(2) (item of length information) [Paragraph 0047]

- In reference to claim 23

In Figure 3, Israni et al. further teaches a method that includes:

- The advice component 50(6) provides a recommendation for a diversion of route [Paragraph 0023]

- In reference to claim 24

In Figure 3, Israni et al. further teaches a method that includes:

- The specification governing the RDS-TMC system provides for data components 50(1)-50(6) (Information portion) [Paragraph 0043]

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- Data components 50(1)-50(6) provide for Location 50(2) information
[Paragraph 0048]
- Location 50(2) information is in coded form according to Location Number 51(1), Location Table Number 51(2), Country Code 51(3), and a direction 51(4) [Paragraph 0048]
 - In reference to claim 25, 30

In Figure 2, Israni et al. teaches a navigation system (110) for decoding digitally coded traffic broadcast [Paragraph 0054] conforming to the ALERT-C messages standard established in the RDS-TMC system [Paragraph 0004-0005, 0049]

Israni et al. does not teach the digitally coded traffic information utilizing a subset of the possible options of the TMC message format and decoding the digitally coded traffic information utilizing the subset.

In the instant application, the invention omits options of the well-known TMC message format. The traffic information is accordingly coded, transmitted, and decoded without the options. It is settled that it would have been obvious to a person of ordinary skill in the art at the time of the invention to omit an element if its function is not desired.

In re Wilson, 153 USPQ 740 (CCPA 1967)

- In reference to claim 26

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

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- A traffic message receiver (125) for receiving the digitally coded traffic broadcast [Paragraph 0054]

- In reference to claim 28

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

- A processor (112) that receives input from the receiver (125) of the digitally coded traffic broadcast according to conforming to the ALERT-C messages standard established in the RDS-TMC system [Paragraph 0004-0005, 0049]

- In reference to claim 29

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

- A non-volatile memory (116) and RAM (120) for storing digitally coded traffic broadcast.

- In reference to claim 30

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

- A navigation unit (110) for processing an information content traffic message. [0054-0055]

- In reference to claim 31

In Figures 1-3, Israni et al. teaches a system and method of a transmitter digitally coding traffic information conforming to the ALERT-C messages standard established in the RDS-TMC system. [Paragraph 0004-0005, 0049]

Israni et al. does not teach the transmitter digitally coded traffic information utilizing a subset of the possible options of the TMC message format or the ALERT-C Syntax and coding digitally coded traffic information utilizing the subset.

In the instant application, the invention omits options of the well-known TMC message format. The traffic information is accordingly coded, transmitted, and decoded without the options. It is settled that it would have been obvious to a person of ordinary skill in the art at the time of the invention to omit an element if its function is not desired.

In re Wilson, 153 USPQ 740 (CCPA 1967)

- In reference to claim 32

In Figures 1-3, Israni et al. further teaches a system and method that includes:

- A transmitter (20) [Paragraph 0041] for transmitting digitally coding traffic information conforming to the ALERT-C messages standard established in the RDS-TMC system. [Paragraph 0004-0005, 0049]

- In reference to claim 34

In Figures 1-3, Israni et al. further teaches a system and method that includes:

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- A TMC coder for coding the digitally coded information conforming to the ALERT-C messages standard established in the RDS-TMC system.
[Paragraph 0004-0005, 0041, 0049]

- In reference to claim 35

In Figure 2, further teaches a system and method that includes:

- A memory for storing a traffic message [Paragraph 0041]

4. Claims 27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Israni et al. (US 2002/0194170 A1) in view of Beyer et al. (US 6070123)

- In reference to claim 27

Israni et al. teaches a system and method that covers substantially all limitations of the parent claim.

Israni et al. does not teach a receiver having a transmitting unit for transmitting a signal including at least one of an information inquiry.

In Figure 1, Beyer et al. teaches a method and system with a bidirectional link, such as a digital GSM network, (column 1 lines 59-62) between a vehicle and a central unit central unit (1) that includes:

- A Mobile Wireless System (3) that inherently includes a transmitter on the vehicle for transmitting a route request consisting of digitally coded route information to the central unit (1) so the central unit (1) can determine a route (column 4 lines 47-53)

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It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Israni et al to include a transmitter as taught by Beyer et al. because the transmitter allows two-way communication between vehicles and control centers and allows the vehicles to request information from the control centers.

- In reference to claim 33

Israni et al. teaches a system and method that covers substantially all limitations of the parent claim.

Israni et al. does not teach the transmitter having for receiving a signal including at least one of an information inquiry.

In Figure 1, Beyer et al. teaches a method and system with a bidirectional link, such as a digital GSM network, (column 1 lines 59-62) between a vehicle and a central unit central unit (1) that includes:

- A Mobile Wireless System (3) that inherently includes a receiver for receiving a route request consisting of digitally coded route information from the vehicle so the vehicle can determine a route (column 4 lines 47-53)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Israni et al to include a receiver as taught by Beyer et al. because the receiver allows two-way communication between control centers vehicles and allows the control center to receive an information request from the control centers.

Response to Arguments

5. Applicant's arguments with respect to claims 18, 25, and 31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 10:00-7:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BSR
12/12/2006



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